

SUPPLEMENTAL EXHIBIT 1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF OHIO

3 EASTERN DIVISION

4 ~~~~~

5 RAMI AWAD,

6
7 Plaintiff,

8 vs. Case No. 1:09CV0261

9 NATIONAL CITY BANK, PNC

10 FINANCIAL SERVICES GROUP, INC., et al.,

11
12 Defendants.

13 ~~~~~

14 Deposition of

15 RAMI AWAD

16 November 17, 2009

17 9:30 a.m.

18 Taken at:

19 Giffen & Kaminsky, LLC

1300 East 9th Street

20 1600 Penton Media Building

21 Cleveland, Ohio

22
23
24
25 Patricia L. Cordiak, RPR

1 application for any customer without their
2 authorization.

3 Q. So you say you never opened an
4 account for anybody?

5 A. Without authorization. 10:44:19

6 Q. Without authorization?

7 A. Yes. And the other thing is --

8 Q. Let me just stop there. So you
9 never opened an account for Mr. Daily
10 without -- you never opened an account for Mr. 10:44:29
11 Daily without his authorization; is that your
12 testimony?

13 A. What I'm saying is, I would never
14 open -- if I know the customer does not want to
15 open the account, I would not open it. That's 10:44:38
16 what I'm saying.

17 Q. Okay.

18 A. Now, he's saying that he did not
19 authorize it, that's another story, but I
20 personally would not do that because if I 10:44:46
21 was -- in McKinley branch I was the number one
22 salesperson in the whole company, in top ten
23 people in the whole company. And we have that
24 on record. And I've been selling -- I worked
25 at Target. I never had any problem. 10:45:01

1 A. My undergraduate I got a lot of
2 honors. And I got honors scholarship from YSU
3 because my grades were all mostly As, so they
4 paid for some of the classes. Like if you get
5 so many As, they give you like three hours off, 11:37:47
6 you don't have to pay for them.

7 Q. Did you hold any jobs while you
8 were at Youngstown State, while you were going
9 for your MBA?

10 A. Yeah. I was working at my 11:37:57
11 father-in-law's store.

12 Q. At your father-in-law's store.
13 What was the name of that store?

14 A. Shehy Market.

15 Q. I'm sorry?

16 A. Shehy Market.

17 Q. Can you spell that?

18 A. A -- S H E H Y.

19 Q. And do you hold any professional
20 licenses? 11:38:16

21 A. Yes.

22 Q. What are they?

23 A. Life and health insurance. Life
24 and health and annuity I think it's called.

25 Q. And when did you get that? 11:38:24

1 A. 2003, July 2003, and I had to take
2 exam last week to keep it updated so --

3 Q. That was before you were employed
4 with National City?

5 | A. Yes. | 11:38:37

6 Q. Other than this lawsuit, have you
7 ever sued anyone?

8 A. No.

9 Q. Ever been sued?

10	A. Nope.	11:38:42
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11 Q. Ever been a witness in a lawsuit?

12	A.	No.
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13 Q. Have you ever filed any sort of
14 claim against anyone other than National City?

15 A. Have I filed -- I'm sorry? 11:38:51

16 Q. Any sort of claim, any claim other
17 than National City?

18 A. I don't remember, no. I don't
19 think I did, no.

20 Q. Never filed for unemployment other 11:38:59
21 than National City?

22 A. For unemployment?

23	O. Uh-huh.
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24 A. No. I never been -- I never filed
25 for unemployment other than that time. That's 11:39:07

1 A. Am I claiming it, I don't remember
2 that I applied for a position.

3 Q. So you're not claiming it. You
4 don't even remember applying for it?

5 A. I have to remember what day was it 14:34:12
6 and why did I apply for it. I can't remember
7 right now. But there's got to be a reason why.

8 Q. And what about the one a little bit
9 lower down, the third from the bottom, licensed
10 financial consultant Federal Plaza, is that 14:34:25
11 part of your lawsuit?

12 A. No, I don't want -- these
13 position -- I had one time that they told me
14 just keep applying for all the position that
15 open. I think that's what it is. And now I 14:34:39
16 did not follow up with those position to see,
17 but at a point of time before the --

18 Q. So you're not claiming that as part
19 of your lawsuit?

20 A. Which one, that one? 14:34:48

21 Q. The licensed financial consultant
22 Federal Plaza?

23 A. I have to go back and look at it,
24 see why did I apply. Because I remember there
25 is a period of time when I had to apply for 14:34:55

1 different positions because they told me they
2 going to fire me, so I had to go and just apply
3 for different position.

4 If that's one of them, then this
5 was just because they told me just go, just 14:35:05
6 keep applying, just so you can get a position.
7 But my main one is the one in Wexford. That's
8 the main one.

9 And the one after the mediation,
10 the one in Cleveland with Richard Schultz and 14:35:16
11 the retail development program with the one
12 that David Bacha took. And I applied for
13 several positions in the company that I did not
14 get an interview for.

15 And the office manager position in 14:35:31
16 the Wexford office that I did not get an
17 interview for. The position -- there was I
18 think -- I might have applied for an office
19 manager another time, I can't remember, but I
20 know that I applied to different position in 14:35:43
21 Cleveland --

22 Q. What about a financial analyst,
23 what particular position and where was that
24 located?

25 A. Financial analyst one, I think that 14:35:53

1 A. You -- okay. If we talk about the
2 RDP position, when I went to the mediation,
3 they told me that was not a promotion.

4 Now, as far as did we get in
5 detail, no, I don't have exact information that 15:43:58
6 if she said good things about me, if she was
7 contacted, if not --

8 Q. Did you know Ms. Malta in the
9 spring of 04?

10 A. Oh, I'm sorry, spring 04, no, no, 15:44:07
11 I'm sorry. I thought you're talking about the
12 actual mediation. I'm sorry, I made a mistake.
13 Spring 04 did Nancy Malta has anything to do
14 with --

15 Q. With the promotions that you 15:44:19
16 applied for --

17 A. No. No. No.

18 Q. So your answer is no?

19 A. No, I'm sorry.

20 Q. It took me five questions to get to 15:44:24
21 the answer.

22 A. I'm sorry.

23 Q. It may have been a
24 misunderstanding.

25 A. I thought you were talking about 15:44:26

1 the February 15th.

2 Q. Did she have anything to do with
3 the retail development program position in
4 Boardman, Ohio?

5 A. You mean if they called her and she 15:44:35
6 said something bad about me, then she probably
7 have, but I don't know that. I don't have --

8 Q. Do you have any facts to support
9 that?

10 A. No, I don't have facts. But I know 15:44:44
11 the lawyer said something about the manager
12 have to recommend you, and the manager have to
13 like you in the mediation.

14 Q. Did Ms. Malta ever deny a
15 promotion -- deny you a promotion? 15:44:53

16 A. She did not even let me take an
17 interview for the office manager position.

18 Q. Did she ever deny you a promotion?

19 A. Did she ever deny me a promotion.
20 Like the office manager, the Series 6 and 15:45:06
21 the -- if she was contacted by the other people
22 in the Boardman area and she said something bad
23 about me, then that's contributing to the
24 denial.

25 Now, I don't have information about 15:45:17

1 the other position, but I know in her office I
2 was denied to the office manager and the Series
3 6.

4 Q. And, in fact, she did promote you,
5 though. Is that correct? 15:45:26

6 A. In 2000 -- when I went to the
7 office, yeah, she did promote me, yeah.

8 Q. Okay. And Ms. Malta is not named
9 in this charge, is she?

10 A. In this charge? Because like I 15:45:39
11 said, she told me not to mention her.

12 Q. Okay. Ms. Malta is not named in
13 the charge. You don't say that, you know,
14 Nancy Malta did this or that.

15 A. No. It doesn't mention her name, 15:45:51
16 no. I don't see it.

17 Q. And you only claim that you only
18 checked the box that discrimination based on
19 national origin. Is that correct?

20 A. Uh-huh. 15:46:05

21 Q. Is that yes?

22 A. Yes.

23 Q. Did you ever file an amended charge
24 to this?

25 A. Yes. No. Amended, I mean what do 15:46:12

1 analyst, not the credit analyst.

2 Q. Okay. And then on May 21st, on the
3 bottom, it says that you found two credit
4 analyst positions posted under the Cincinnati
5 and St. Louis market. I don't mind moving to 16:14:01
6 any of these cities until something opened in
7 the Cleveland market. Under May 21st.

8 So this is not the one he's
9 discouraging you from applying, the credit
10 analyst position, you're saying it was the 16:14:14
11 financial analyst position he discouraged you
12 from?

13 A. No. He did, like, he said,
14 don't -- he didn't discourage me because I'm
15 not qualified. He just said, well, there's 16:14:19
16 going to be a position open in Cleveland, why
17 don't you just wait until that opened. That's
18 what he's trying to say.

19 Now, he told me don't apply for the
20 financial analyst because I'm not qualified for 16:14:29
21 that. I mean he was nice, helpful to me. He
22 was nice guy.

23 Q. And why did he say you were not
24 qualified for the financial analyst position?

25 A. Because those positions, he said, 16:14:37

1 A. Yeah.

2 MR. LIEBERMAN: Okay. I'd like
3 those produced as soon as possible. And I will
4 ask him to be recalled, the witness, if there
5 are additional sales records that we don't 19:12:57
6 have.

7 A. Yeah, we will.

8 Q. Ms. Kaminsky, when did she get her
9 Series 6?

10 A. In 2007. I don't know exactly, but 19:13:05
11 she was getting it in 2007.

12 Q. And you know that for a fact?

13 A. Yeah.

14 Q. How do you know that?

15 A. Because she told me that, and they 19:13:11
16 were doing a birthday cake for her when she
17 passed it, because I think she didn't pass it
18 the first time. And we do that, like every
19 week we meet and say what did we do, you know,
20 for this month and what did we do for this 19:13:24
21 week.

22 Q. Do you know if Ms. Kaminsky missed
23 any work during 2007?

24 A. Missed any work?

25 Q. For any medical reason or any 19:13:29

1 family related reason?

2 A. Well, she missed work sometimes,
3 and I missed work. She missed work I think --
4 I don't know exactly how many days she missed
5 but --

19:13:44

6 Q. Was she dealing with a family issue
7 in 2007?

8 A. Yeah. Yeah.

9 Q. And do you know how many days she
10 missed?

19:13:50

11 A. I don't know.

12 Q. You have no idea?

13 A. No.

14 Q. It's possible that she was out of
15 work for a long time?

19:13:54

16 A. I don't know.

17 Q. Okay. Would that affect her sales
18 numbers?

19 A. It affect her sales numbers, but I
20 mean that's not -- I have the sales record for
21 the 2007 and 2008 and for 2006.

19:14:01

22 Q. Okay.

23 A. So not just this. And plus we
24 have -- each branch has a different goal. So
25 when you say my goal -- my average is higher

19:14:12

1 than everybody, but it's still my goal is less
2 than everybody else.

3 Q. Okay. But being out of work could
4 affect your sales numbers?

5 A. I was -- my wife, she was having a 19:14:19
6 baby and I --

7 Q. Once again, sir, I'm not asking
8 about you. I'm saying just being out of work,
9 could that affect your sales numbers?

10 A. If you don't show up to work at all 19:14:27
11 and you don't call customer, it could affect
12 your sales number.

13 Q. Thank you. That's all I wanted to
14 know.

15 A. Okay. 19:14:34

16 Q. And under Wexford it says, monthly
17 goal, \$5,833.33. Is that the goal that Mr.
18 Feder set for you?

19 A. Yeah.

20 Q. Okay. That's your monthly goal? 19:14:47

21 A. Yeah. That's include mine and his.

22 Q. Okay. So in January your amount
23 was 692, correct?

24 A. Yes.

25 Q. Okay. You didn't meet your monthly 19:15:00